

CHAPTER 36

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 19-1100

BY REPRESENTATIVE(S) Geitner, Buentello, Landgraf, Larson, Neville, Snyder;
also SENATOR(S) Bridges and Lundeen, Cooke, Coram, Court, Gardner, Hisey, Moreno, Priola, Scott, Tate, Woodward.

AN ACT

CONCERNING PROHIBITING A SCHOOL DISTRICT BOARD OF EDUCATION FROM INCLUDING A USE RESTRICTION ON CERTAIN TRANSACTIONS INVOLVING THE SCHOOL DISTRICT'S PROPERTY THAT WOULD RESTRICT THE PROPERTY FROM BEING USED AS A SCHOOL FOR ANY GRADE FROM PRESCHOOL THROUGH THE TWELFTH GRADE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) School districts have a duty and responsibility to students, parents, and taxpayers to manage district-owned property in a way that is financially sound and in the best interests of citizens;

(b) Deed restrictions and other restraints on the alienation of property often lower the value of buildings and real property, particularly when those restrictions relate to the property's original or current use;

(c) School districts in Colorado have inserted deed restrictions when selling school property and school buildings that prevent those properties from being used as a school; and

(d) By inserting these deed restrictions, school districts are lowering the value of taxpayer-owned property and decreasing the amount of money available to pay teachers, offer education programming, and maintain other district-owned facilities. These deed restrictions also limit the accessibility of neighborhood schools.

(2) The general assembly further finds and declares that it is in the interest of the state to prevent school districts from inserting deed restrictions when selling school

))))

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

property that prevent that school property from being used as a school.

SECTION 2. In Colorado Revised Statutes, 22-32-110, **amend** (1)(e) and (1)(f) as follows:

22-32-110. Board of education - specific powers. (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(e) To sell and convey district property which may not be needed within the foreseeable future for any purpose authorized by law, upon such terms and conditions as it may approve; and to lease any such property, pending sale thereof, under an agreement of lease, with or without an option to purchase the same. No finding that the property may not be needed within the foreseeable future shall be necessary if the property is sold and conveyed to a state agency or political subdivision of this state or if the board anticipates that the district will become the tenant of the property under a lease, with or without an option to purchase. A BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY ONLY INCLUDE, BY TITLE, COVENANT, DEED, OR OTHERWISE, A USE RESTRICTION ON THE SALE, CONVEYANCE, OR LEASE OF ANY DISTRICT PROPERTY PURSUANT TO THIS SUBSECTION (1)(e) THAT RESTRICTS THE PROPERTY FROM BEING USED AS A PUBLIC OR NONPUBLIC SCHOOL FOR ANY GRADE FROM PRESCHOOL THROUGH THE TWELFTH GRADE, AFTER PROVIDING PUBLIC NOTICE OF ITS INTENT TO INCLUDE SUCH USE RESTRICTION AND AFTER DISCUSSING THE ISSUE IN PUBLIC AT A REGULARLY SCHEDULED MEETING OF THE BOARD OF EDUCATION.

(f) To rent or lease district property not needed for its purposes for terms not exceeding ten years, or in the case of unimproved real property leased to a lessee that is a charter school as defined in section 22-30.5-403 (3), for a term not exceeding thirty years, or in the case of a charter school using debt financing, for a term not exceeding the term of the debt financing, subject to all land use and building and zoning plans, codes, resolutions, and regulations, and to permit the use of district property by community organizations upon such terms and conditions as it may approve. No finding that the property is not needed for the district's purposes shall be necessary if the board anticipates that the district will become the subtenant of the property under a sublease, and under such circumstances the term of the lease may exceed ten years but may not exceed fifty years. A BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY ONLY INCLUDE, IN A LEASE OR OTHERWISE, A USE RESTRICTION ON THE RENTAL OR LEASE OF ANY DISTRICT PROPERTY PURSUANT TO THIS SUBSECTION (1)(f) THAT RESTRICTS THE PROPERTY FROM BEING USED AS A PUBLIC OR NONPUBLIC SCHOOL FOR ANY GRADE FROM PRESCHOOL THROUGH THE TWELFTH GRADE, AFTER PROVIDING PUBLIC NOTICE OF ITS INTENT TO INCLUDE SUCH USE RESTRICTION AND AFTER DISCUSSING THE ISSUE IN PUBLIC AT A REGULARLY SCHEDULED MEETING OF THE BOARD OF EDUCATION.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section,

or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to the sale, conveyance, or lease of school district property on or after the applicable effective date of this act.

Approved: March 15, 2019